

17cv1079 RB/GJF

NOV. 10, 2017 (VETERANS' DAY)

49th Day of CAPTIVITY

To: Matthew J. Dykman

Clerk of Court

US FEDERAL DISTRICT COURT

US COURT HOUSE, Rm #270

333 LAMAS BLVD. NW

ALBUQUERQUE, NM 87102

Curry: Steven - Duane ©

SCDC C-101 #38970

Alamogordo, N.M. [88310]

FILED

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

NOV 17 2017

MATTHEW J. DYKMAN

CLERK

RE: Curry v. State of New Mexico, ET AL

Case: #2:17-cv-01079 (iam)

SUBJECT: Affidavit / Petition For SUMMARY JUDGEMENT

BASED ON THE UNREBUTTED FACTS IN EVIDENCE, PURSUANT

28 USC 636(b)(1)(B), (b)(3); FRCP Rule 21(b);

18 USC 3771; 18 USC 241 &amp; 242; 42 USC 1893 &amp; 1895(2);

15 USC 1 &amp; 2; 18 USC 480 &amp; 481; 18 USC 401 &amp; 402;

Public Law 80-772; 18 USC 1512;

The following unrebutted Facts stand as the Truth in Commerce, as well as being the core elements for a Summary Judgment in Commerce in full favor of the Affiant / Petitioner, and all without further Hearing, denial, delay, obfuscation, subversion, or obstruction, by the State or the private foreign Judiciary's Opposing Counsel;

1. Neither the State, or the private foreign 12th Judicial

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District that re-presents the interests of the State, are currently contracted with the Affiant, and no assumptions or presumptions to the contrary are accepted as binding without the full knowledge, and then with the consent of the Affiant/Petitioner pursuant 28 USC 636;  
Accepted & Agreed to by all Agents of State.

2. Any alleged contracts between the State, the 12<sup>th</sup> Judicial and the Affiant are deemed null & void, ab initio, as all such creations & fiction were constructed under fraud, by deception, intimidation, coercion, threat of injury by the force of arms, and/or under Duress! Accepted & Agreed by Agents of State & Opposing Counsel.

3. Given that the Affiant/Petitioner is a Paramount Secured Party Creditor, and Holder in Due Course of the Most Superior CLAIM OF ENTITLEMENT of being the living-born embodiment of the Spirit of the Christ & Son of God, neither the State or the private foreign judiciary re-presenting the interests of the State, have made any claim upon which this US District Court could grant them a remedy for, based on this Court's restrictions, limitations, and prohibitions under the Constitution as described & detailed  
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under 28 USC 636 (b)(1)(B), (b)(3); under Article III, Sect. 1, 2, 3; Marbury v. Madison (1803); US Supreme Court; Hale v. Henkel (1905); Scott v. McNeal (1894);  
 Accepted & Agreed to by Agents of the State, and by opposing Counsel.

4. The Affiant/Petitioner, having not waived any of his natural, inalienable, commercial, or Constitutional rights, was ENTITLED to his rights of Due Process to have the genuine nature & cause of the charges read to him in an open court of law and in a court of competent jurisdiction within 72 hours time of his arrest, as pursuant to the State's prohibitions described in Amendments IV, V, VI, VII.

Both the State & opposing Counsel for the private 1st Judicial District have Accepted & Agreed, the Affiant/Petitioner has yet to be properly & Lawfully arraigned in 49 Days and counting!

Opposing Counsel & all State agents accept & AGREE, that such abuse of the Affiant's rights of Due Process is grounds for his immediate release from his unlawful & uncivil captivity!

5. The "Incident Report," along with the succeeding "Grand Jury Indictment" and "Criminal Complaint," have all been determined to be the creative & fabricated imaginings of DA David T. Hunter and

his co-conspirators David Sanchez & Roxanna Esquivel, the prosecuting DA. By their omissions, edits, and lack of video evidence, Mr. Hunter, with the aid & abetting of Jim Walsh, David Sanchez, Roxanna Esquivel, and County Sheriff Bunny House, manufactured an elaborate false narrative of lies about the conduct & behavior of the Affiant, all to conceal & cover up his botched arrest with NO WARRANT, NO DASH, NO BOND, NO INSURANCE, NO ID'S, AND NO DASH CAM OR BODY CAM FOOTAGE TO SUPPORT HIS STORY!

The Dash Cam or Body Cam Footage would have proven Hunter & Sanchez to be false provocateurs, pirates, & thugs, while showing the Affiant to be non-violent, non-aggressive and non-provoking & in the proper exercise of his rights to defend himself & his private properties!

— As for Hunter's & Sanchez's testimonies under oath, the State & the 12<sup>th</sup> Judicial District DA & opposing counsel, are in full acceptance of Agreement that Hunter & Sanchez are guilty of Perjury in the 1<sup>st</sup> Degree, Criminal Trespass, Conspiracy, Collusion to Commit 1<sup>st</sup> Degree Aggravated Assault & Battery, Kidnapping, Transporting, Human Trafficking, False Arrest, Wrongful Imprisonment, Theft, Domestic Violation, Barratry, Piracy, Damage, Involuntary Servitude, Slavery, & extortion, etc., etc., etc.

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— on these charges, and with the AGREEMENTS on the Facts, the Affiant requests the Magistrate to accept these charges against DA Hunter, Sanchez, Esquivel, Walsh, and House as true, accurate, and correct, with no further hearings on the matter required, as there are NO disputes to these charges that need be reviewed other than adding further charges, which have already been set to the record in previous Affidavits submitted by Petitioners.

6. The "First Defects" & "Fatal Flaws" of the State's 12<sup>th</sup> Judicial District's case against the Affiant/Petitioner are: ① DA Hunter's retaliatory attacks against the Affiant for being a Registered Crime Victim, Witness, and Informant with the I.R.S., S.E.C., VA, FCPB, and the FBI, as each of these agencies are in possession of the Petitioner's research & reports on the IMCA, OTSI, FREEDOM MORTGAGE, and other Major Fraudsters. ② The alleged Colorado Arrest Warrant touted by Hunter was defective under Public Law 80-772, and was stopped as a retaliatory strike against the Affiant for his reporting of corrupt public officials & criminal enterprises in Colorado. — On this, the Colorado Supreme Court, the Secretary of State, and the Colorado Attorney General's office are in full acceptance & full AGREEMENT That the Arrest Warrant was issued in previous error & thus it was Null & Void!

③ Again, the Acceptance & Agreement to these facts in evidence were the direct result of the State of Colorado & their private foreign judiciary's failure to respond, protest, or rebut the numbers of 'court appearances' by the Affiant over a period of six months. The Commercial dishonor & default on the part of the State & the State's Judiciary are LEGENDARY, where Agents of the State & Judiciary use the weapon of SILENCE to defeat Commercial documents not of their pleasure or design! Unfortunately for these agents, the US Supreme Court has ruled & ordered numerous times that, "SILENCE ALWAYS EQUATES TO FRAUD! WHEN A PARTY HAS A DUTY & OBLIGATION TO SPEAK THE TRUTH!", "... And SUCH SILENCE SHALL NOT BE TOLERATED BY THIS COURT OR ANY OTHER COURT OF LAW!"

— Under 28 USC 636, then, this US District Court is also obligated & duty-bound to treat SILENCE as the FRAUD that it is, and for the perpetual FRAUD that SILENCE CREATES & SPAWNS! FRAUD is in direct contradiction to the US Constitution and it CANNOT be sustained by any court of competent jurisdiction!

④ DA Hunter & James Wald & Caldwell Brandon Realty conspiring & colluding to deny, derail, delay, subvert & to obstruct the Affiant's issuance of his Veteran's Selective Service Check for the

"Now there is no mediator needed when only one party (the Truth) is involved, and God is the one (Truth) in Galatians 3:20. When there is AGREEMENT, there exists only one Truth, and only one party!!"

purchase of real property located at 250 Cox Canyon Hwy, near Clondcraft, NM. Mr. Walsh's egregious malfeasance & misconduct in soliciting the State to intervene & to become an unwanted third party to a private contract violated numerous codes of law, specifically 15 USC 112, where Mr. Walsh criminally trespassed against the free will & free trade & commerce of the Affiant of using 'interest-free', 'loan-free', and 'debt-free' commercial paper backed & supported with silver-backed Real Seal Notes authorized by President John F. Kennedy & the US Department of Treasury since 1776!

Walsh's & Hunter's conspiracy to deprive the Affiant of his unlimited rights to Contract (Habe V. Hankol), and his rights of free trade, and for their use of the State's private foreign monopoly over the Justice System, has resulted in their being charged under both Articles, and as "Corporations" that they represent, and at 3x's for Tort damages. — Total charges on both counts equates to \$600 million in fines to be paid to Affiant, and 60 years in Federal prison per person!

— On this, the State's Judiciary are in full acceptance & Agreement to these charges, as neither has bothered to argue, protest, or rebut the pure facts in evidence as written in a long email chain of communications

between the Affiant & Mr. Walsh, where Mr. Walsh repeatedly failed to present the Purchase Agreement & the VSScheck to the father, as directed.

— This Court, in accordance with the Constitution, the Uniform Commercial Code, 28 USC 636, and the rulings & orders of the US Supreme Court, shall permit the State of New Mexico or the private foreign judiciary re-presenting the interests of the state, to impair or obstruct the obligations of contracts, especially, contracts of the private nature, whereupon the state cannot & must not encroach or interfere, without the knowledgeable & free will consent of all parties! (See Pemberton v. Doan; Hale v. Hunkeler; etc., etc.).

⑥ "Fatal Defects" & "Fatal Flaws" of the State & Judiciary must include ② DA Esquivel's intentional & willful acceptance of DA Hunter's Fabricated Incident Report & Criminal Complaint without vetting his story first with other agents involved in the false arrest. ③ of all the agents at the scene, Hunter is the only witness to testify before the Grand Jury, and he's given over 1 1/2 hours to tamper with the jury, while the Affiant was given less than 10 minutes for his defense against a hostile, prejudiced, page 8 of 10



and biased jury! © Mrs. Esquivel refused to allow the Affiant to present the Grand Jury Foreman exculpatory evidence which would have exonerated & acquitted the Affiant of all wrongdoing!

④ Mrs. Esquivel, as a deliberate ploy to influence the jury, asked the Affiant about a 2012 conviction on 3 charges for which the Affiant served a 1 year jail term! This was Double Jeopardy as the Affiant was being coerced to answer before the Grand Jury with no right of redress. © Esquivel did not address the Affiant's challenges to produce the dash cam or body cam footage that would also clear & acquit the Affiant!

⑤ Esquivel, in her attempts to cover for Hunter, has failed to produce any & all exculpatory evidence that would help the Affiant's case, including a statement from Hunter & Sanchez that NO DASH CAM or BODY/CAM VIDEO FOOTAGE EXISTS!!

In Summary: Given the above "Fatal Defects" and "Fatal Flaws" have NEVER been argued, protested or rebutted in writing, point-for-point, article-for-article, under oath, and under the Penalty of perjury by the State or by 12th Judicial District, or Alameda County, a much larger "Fatal Flaw" has developed in the State's Faulty cause & case against the Petitioners. That "Fatal Flaw" is the

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the land, which came from land of the world, does not  
 and is contained in the land (previously national (captured) by GAB, so  
 it is covered by the promise, it is no longer from a promise in  
 addition to the promise, it is no longer from a promise in

State's & Judiciary's Obligations to Border  
 Control Services, as Mandated under the  
 International Commercial Law & Law of the Sea.  
 The absolute fraud, dishonesty, and commercial  
 interest by both the State and the private  
 corporate industry in perpetrating the interests  
 of the State, in their international & national  
 undermining & subverting their fiduciary  
 obligations & duties to protect the life &  
 health of the population, have to the  
 extent of the commercial law and all  
 of their decisions & all of their alleged  
 immunities against transnational

As a result of their construction  
 fraud schemes, to be responsible, perpetrating  
 jury tampering, witness tampering, and  
 evidence tampering, the State & Judiciary  
 have waived any right to object to the  
 jurisdiction of the Magistrate Council for  
 an absolute violation of the law, and  
 under 28 USC 636, Magistrate Council cannot  
 accept any objections, as they already  
 appear on the record, show HARRINGTON  
 to all the terms & conditions of the  
 in the 2 previous Commercial Affidavits

It is so! that so I shall be under  
 the 50th Day of my husband's wrongful captivity  
 as a Political Prisoner of an UNLAWFUL CIVIL WAR

Emm. Jean Dene©

Refugee is a Permanent Resident Daily Citizen  
 as established at court with the US Treasury